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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

QUINTIN HAWKINS,

Plaintiff,

vs.

CASE NO.

THOMAS STANTON, et al.,

C-1-01-783

Defendants.

DEPOSITION OF: ESTHER MAE FUNK

Videographic deposition of ESTHER MAE FUNK,
taken pursuant to Notice, before Melanie Reagan
Strange, Court Reporter and Notary Public, State of
Alabama at Large, in the Ramada Inn, Huntsville
Airport East, 8716 Madison Boulevard, Huntsville,
Alabama, on the 21st day of November, 2003,
commencing at 1:30 p.m. pursuant to the stipulations
set forth herein.

Melanie Reagan Strange, Court Reporter

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1 STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by and
between counsel that the videographic deposition of
ESTHER MAE FUNK may be taken on the date and time
specified and in the action denominated herein before
Melanie Reagan Strange, Court Reporter and Notary
Public.

8 IT IS FURTHER STIPULATED AND AGREED that the
9 signature to and reading of the deposition by the
10 witness is waived, the deposition to have the same
11 force and effect as if full compliance had been had
12 with all laws and rules of Court relating to the
13 taking of deposition.

IT IS FURTHER STIPULATED AND AGREED that it
shall not be necessary for any objections to be made
by counsel to any questions, except as to form or
leading question, and that counsel for the parties
may make objections and assign grounds at the time of
trial or at the time said deposition is offered on
evidence, or prior thereto.

IT IS FURTHER STIPULATED AND AGREED that
notice of filing of this deposition by Commissioner
is waived.

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1 A P P E A R A N C E S

2

3 APPEARING ON BEHALF OF THE PLAINTIFFS:

4 Mr. Fanon A. Rucker
5 Attorney at Law
6 Santen & Hughes
7 312 Walnut Street
Suite 3100
Cincinnati, Ohio 45202

7

8 APPEARING (via telephone) ON BEHALF OF THE DEFENDANT:

9 Mr. Michael J. Harmon
10 Senior Assistant Trial Counsel
City of Cincinnati
801 Plum Street
11 Room 214
Cincinnati, Ohio 45202

12

13 Mr. Stephen S. Lazarus
14 Attorney at Law
Hardin, Lefton, Lazarus & Marks, LLC
15 915 Cincinnati Club Building
30 Garfield Place
Cincinnati, Ohio 45202

16

17 APPEARING ON BEHALF OF THE CITY OF HUNTSVILLE:

18 Mr. M. Bruce Pitts
19 Assistant City Attorney
City of Huntsville
P. O. Box 308
20 Huntsville, Alabama 35801

21

22 ALSO PRESENT:

23 Mr. Don Griffin, Videographer

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2	WITNESS: ESTHER MAE FUNK
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4	Examination by Mr. Rucker 6-51
5	Examination by Mr. Harmon 51-60
6	Examination by Mr. Lazarus 60-61
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11	INDEX OF EXHIBITS
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13	PLAINTIFF'S EXHIBITS: MARKED
14	(Plaintiff's Exhibit Numbers 1-18 for the deposition
15	of Esther Mae Funk were marked prior to start
16	of proceedings.)
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1

1 11/21/03 PROCEEDINGS 1:30 p.m.
2 (whereupon, Plaintiff's Exhibit Numbers 1-18
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3 were previously marked for identification.)

4 MR. GRIFFIN: On the record, 1:28 p.m.,
5 November 21st, year 2003. We're doing the deposition
6 of Ms. Esther Funk. At this time, this deposition is
7 being taken at the Ramada Hotel, Airport Huntsville
8 Alabama. At this time, would the attorneys identify
9 themselves for the record starting with the
10 Plaintiff's attorney.

11 MR. RUCKER: My name is Fanon A. Rucker. I'm
12 with Santen & Hughes. I am the attorney for the
13 Plaintiff, Quintin Hawkins in Quintin Hawkins versus
14 Thomas Stanton, et al.

15 MR. GRIFFIN: Okay. You guys on the
16 telephone.

17 MR. HARMON: Good afternoon. My name is
18 Michael J. Harmon, middle initial J as in James. I
19 am senior trial counsel for the City of Cincinnati,
20 Ohio. I represent the City of Cincinnati, Ohio and I
21 represent the Cincinnati police officers named as
22 defendants in this case.

23 MR. LAZARUS: Steve Lazarus, attorney for the

1 defendant officers in their individual capacities.

2 MR. PITTS: I'm Bruce Pitts. I'm assistant
3 city attorney with the City of Huntsville.

4 MR. GRIFFIN: Ms. Court Reporter, would you
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5 swear the witness, please?

6 ESTHER MAE FUNK,

7 being first duly sworn, was examined and testified as
8 follows:

9

10 EXAMINATION BY MR. RUCKER:

11 Q. Ms. Funk, I previously introduced myself. Once
12 again, I'm Fanon Rucker, and I represent Quintin
13 Hawkins in this case. I'm just going to ask you a
14 few questions. Just going back a couple of years,
15 I'm going to ask you to answer to the best of your
16 memory. I do have a few documents that we've
17 previously discussed, and we're going to have
18 introduced on the record. But have you ever had your
19 deposition taken before?

20 A. No.

21 Q. The court reporter, as you see to your right, is
22 taking down everything that you say, so it's
23 important that you give verbal responses to the

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7

1 questions. Head nods and head shakes are not
2 recognized on the record very well. If there's a
3 question that I ask that you do not understand,
4 please let me know. I'll try to ask it, ask it in a
5 more clear way. If you need to take a break, please

6 ask me. That's fine. If you need to speak to your
7 counsel, don't hesitate to do that. I don't expect
8 this is going to go very long, but this is not
9 intended to be a marathon. These are not intend to
10 harass you, annoy you or anything else. Just trying
11 to get to some information. Could you once again
12 state your name and spell your last name for the
13 record?

14 A. Esther Funk, F-u-n-k.

15 Q. And what is -- how are you employed?

16 A. I'm employed in the Huntsville Police Department in
17 records, third shift.

18 Q. And how long have you been employed by the Huntsville
19 Police Department in the records division?

20 A. Approximately 23 years.

21 Q. And what is your title? What is your job title?

22 A. Records supervisor, third shift.

23 Q. And were you the supervisor in July and August of

□

8

1 2001?

2 A. Yes, I was.

3 Q. What is your general job responsibilities as
4 supervisor in the records division?

5 A. I oversee all of the, what records and everything are
6 typed into the computers. I oversee what my clerks
7 do and my fingerprint technicians do.

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8 Q. And approximately how many employees are under your
9 supervision in that position?

10 A. Eight.

11 Q. Was that also generally true in July and August of
12 2001?

13 A. I don't remember.

14 Q. Okay. All right. Were your duties in 2001 generally
15 as they are right now?

16 A. Yes.

17 Q. And as part of your responsibilities, are you
18 sometimes the person who actually enters information
19 on the computer?

20 A. Yes, if there's help that is needed.

21 Q. You indicate you work third shift?

22 A. Yes.

23 Q. Specifically what time is that?

□

9

1 A. It's from 11:00 o'clock at night until 7:00 in the
2 morning.

3 Q. You're here, and I guess will be reporting to work
4 later this evening, and we appreciate you and your
5 attention this afternoon. Are you familiar with the
6 NCIC?

7 A. Yes, I am.

8 Q. What do those letters stand for, if you can?

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9 A. I really can't tell you.

10 Q. Okay. And are you familiar with the RCIC --

11 MR. HARMON: Mr. Harmon for the City. I could

12 not hear that answer.

13 Q. (BY MR. RUCKER:) Okay. Please repeat -- what do the

14 letters NCIC stand for?

15 A. I'm not sure.

16 Q. Okay. Are you familiar with the RCIC?

17 A. No, I am not.

18 Q. The NCIC, not specifically needing the name of it,

19 what is the NCIC?

20 A. The NCIC is a nationwide computer system that goes

21 through all the states.

22 Q. And what is its purpose, to your knowledge?

23 A. The purpose is to run tags, driver's license, receive

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10

1 messages from other departments.

2 Q. Are you familiar with a computer program called

3 LEADS?

4 A. I-LEADS?

5 Q. Well, LEADS, yes. LEADS, I-LEADS, L-E-A-D-S?

6 A. Yes.

7 Q. What is LEADS as it relates to NCIC or does it?

8 A. I'm not real sure. I'm not sure exactly what you're

9 asking.

10 Q. What is I-LEADS?

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11 A. I-LEADS is our computer system where we enter
12 everybody involved in cases and arrest reports that
13 come through our department.

14 MR. HARMON: This is Mr. Harmon again asking
15 for clarification. Could we spell what you're
16 talking about?

17 Q. (BY MR. RUCKER:) Okay. If you could spell I-LEADS?

18 A. I-LEADS, I-L-E-A-D-S. That's the computer system
19 that the Huntsville Police Department uses to store
20 information from our case reports and arrest reports.

21 Q. And do you know if the I-LEADS program and NCIC ever
22 communicate with each other?

23 A. No.

□

11

1 Q. You don't know or no they don't?

2 A. As far as I know, no.

3 Q. The information that's input into I-LEADS, who
4 specifically puts that information in?

5 A. The clerks and the I-LEADS technician.

6 Q. And where does the information -- what is the source
7 of the information that's input into that, into that
8 computer program?

9 A. The source --

10 Q. Yes.

11 A. -- is the case reports and arrest reports.

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12 Q. Okay. Could you describe the work environment where
13 the information is input into the computers? Are
14 there a number of desks? Is it an enclosed area?
15 Could you describe it physically?

16 A. It's a big room. We have -- excuse me -- we have
17 maybe ten cubicles. The NCIC room is off to itself.

18 Q. Are there files in the immediate area?

19 A. Yes, there are.

20 Q. Okay. And how many persons -- is this where all of
21 the persons and clerks in the records division work?

22 A. Yes, sir.

23 Q. And if information is sought or is given to persons,

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12

1 does the information generally come from this
2 particular room or this particular area?

3 A. Yes.

4 Q. Just as a matter of general information, when someone
5 calls to indicate that they are, that they have an
6 individual wanted by the Huntsville Police
7 Department, what is the procedure? What do you --
8 what does the records division do?

9 A. The records division first makes sure that the
10 warrant or want is still active, that we do have it
11 in hand, and then we try to verify that whoever this
12 other agency has is the person that we want.

13 Q. And is that by manual search generally?

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14 A. Yes.

15 Q. Specifically in the early morning hours of July 31st,
16 2001, were you on duty?

17 A. Yes, I was.

18 Q. Have you been on third shift consistently since at
19 least July of 2001?

20 A. Yes.

21 Q. And if you recall, and understanding it was over two
22 years ago, was there anything unusual about that
23 early morning hours? Was it extra busy? Was it

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13

1 extra slow? Is there anything that you recall about
2 the general nature of business on that particular
3 day?

4 A. I don't remember.

5 Q. Okay. While you were on duty, did you receive
6 information, any contact from Cincinnati, LYLE (sic)?

7 A. Yes, we did, as far as the documents that are in
8 front of me.

9 Q. Okay. And the first document I'm going to ask you
10 about has been marked as Exhibit 1. Could you
11 identify, first of all, the nature of the document?
12 What is that document?

13 A. It's a hit confirmation request from Ohio requesting
14 on a warrant.

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15 Q. And is this printout what would have been available
16 to you on a computer screen on July 31st, 2001?

17 A. Yes, sir. It would have came through our NCIC
18 machine.

19 Q. And you're able to print those out?

20 A. Yes, sir.

21 Q. Is there, I guess, a dot matrix printer that's
22 attached to the NCIC computer?

23 A. It's a printer-type, yes.

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14

1 Q. Okay. And does everything that comes on the screen
2 appear also on the printer? Is everything printed
3 out?

4 A. Yes.

5 Q. And is that the source of this particular document
6 that's been marked right now as Exhibit 1?

7 A. Yes, sir.

8 Q. Is there any way to indicate what time this message
9 would have come into Huntsville from Cincinnati by
10 looking at the document?

11 A. I know it arrived at our department at 4:45.

12 Q. Is that the notation at the very, well, right below
13 MSG 1731, where it says 04:45 7/31/2001?

14 A. Yes.

15 Q. Does that indicate that it came in at 4:45 on the
16 morning of July 31st, 2001?

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17 A. Yes, sir.

18 Q. Do you know what the other numbers stand for; for
19 instance, the 01749, that may be 7. I'm not sure
20 what that last number is. Do you know what those
21 numbers stand for?

22 A. No, sir. The 017497?

23 Q. Yes.

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15

1 A. That is the number message that NCIC attaches to
2 whatever comes through to our computers.

3 Q. So if you know, would that mean that there have been,
4 prior to this message, 17,496 messages to Alabama
5 specifically or just sent within a 24-hour period?

6 A. I'm not real sure.

7 Q. Directly below that line there is a YQ.OHCIP number.
8 Do you know what those numbers and letters stand for?

9 A. YQ just stands for hit confirmation request. The
10 number that begins with OH is Ohio's ORI, and the
11 number that begins with AL is Huntsville Police
12 Department's ORI.

13 Q. You mentioned ORI. What is ORI?

14 A. It's a number that is individually given to the
15 police departments to identify them through NCIC.

16 Q. And when you say ORI, does that indicate originating
17 agency, if you know?

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18 A. Most likely.

19 Q. Okay. Thank you. And I understand -- and you're not
20 employed by NCIC, correct?

21 A. No.

22 Q. And understanding that, you're answering to the best
23 of your knowledge about these particular letters and

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16

1 numbers. Directly below there it says 2:45 and
2 there's a 07/31/2001. Do you know what that number
3 represents?

4 A. Where specifically are you talking about?

5 Q. Where it says 2:45, about two spaces below the YQ.

6 A. Okay. I would assume that is the time that Ohio sent
7 their message.

8 Q. And there is a significant time between 2:45 and
9 4:45. Is it your understanding there is some lapse
10 of time when messages are sent and received?

11 A. As far as I know, that is the, right, the time frame
12 that they send it and we receive it to Alabama.

13 Q. Okay. What is the nature of this message, if you
14 recall?

15 A. This message here is just our first notice from Ohio
16 stating that they have a Quintin Hawkins, and they
17 want us to confirm that we have a warrant.

18 Q. Did you personally know about Quintin Hawkins prior
19 to this message being sent?

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20 A. No.

21 Q. Had you heard of a Quintin Hawkins?

22 A. No.

23 Q. Who was the individual, according to this document,

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17

1 that you were to have contact with regarding this
2 issue?

3 A. Well, it gives the name of requester. It's PO
4 Stanton.

5 Q. Okay. And does that indicate the agency name?

6 A. PD, Cincinnati, Ohio.

7 Q. And there's also there a phone number and a fax
8 number for Officer Stanton?

9 MR. HARMON: Objection. You may answer. This
10 is Mike Harmon.

11 THE WITNESS: Yes. It does give a phone
12 number and fax number on the teletype.

13 Q. (BY MR. RUCKER:) And although the document speaks
14 for itself, where it says "fax number," you're
15 referring to 513-946-6149?

16 A. Yes.

17 Q. All right. And phone number, 513-352-2938?

18 A. Yes. That's what it gives on the teletype.

19 Q. Thank you. In the message, it looks like they're
20 requesting copies of fingerprints and photo. Do you

21 know if -- well, strike that. Whatever happened with
22 this first message; do you know?
23 A. I don't really remember. I'm not sure how busy we

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18

1 were.
2 Q. Okay. I'll ask you to turn to your next document.
3 It's been identified as Exhibit 2. Could you
4 identify that document, please?
5 A. Yes. It's a teletype that came from Ohio, a second
6 notice on a hit confirmation request.
7 Q. And in the upper left corner there is a 5:08. Do you
8 see that number there?
9 A. Yes, sir.
10 Q. Does that indicate to you that this message was
11 received by Alabama on or about 5:08 in the morning
12 on 7/31?
13 A. That's what it gives.
14 Q. And that was approximately 20 minutes after the
15 original message was received?
16 A. Yes, sir.
17 Q. Before we go further, are these documents sequential;
18 in other words, is this how they came out on the NCIC
19 printout?
20 A. Yes, sir. You can usually tell by the time at the
21 top of the teletype.
22 Q. And it indicates this is the second notice?

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23 A. Yes, sir.

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19

1 Q. Did you personally receive this message or did
2 someone else in your office, if you recall?

3 A. I do not recall.

4 Q. At some point after these messages were received you
5 were made aware that they had come through?

6 A. Yes, sir.

7 Q. After this second notice was received, what did you
8 do?

9 A. If you'll look at Exhibit 3, it gives a teletype
10 where we sent it to Ohio stating that we're in the
11 process of confirming their teletype, their request,
12 and that it would take one hour to try to confirm it.

13 Q. And are you referring to what's been previously
14 marked as Exhibit 3, the following document, where it
15 begins at the top, looks like "YR.AL0470100."

16 A. Yes, sir.

17 Q. All right. Turning briefly back to Exhibit 2, there
18 is some handwriting on that page. The first is at
19 the upper right-hand corner, the MSG 1731. Is that
20 your handwriting on that document?

21 A. Yes, sir.

22 Q. What does that stand for?

23 A. It's a message number that we individually give to

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20

1 all messages that come through NCIC that we have to
2 respond to.

3 Q. Okay. And is this, the 1731, does it have any
4 significance regarding the 31 referring to a county
5 name or just 17?

6 A. No.

7 Q. Okay. And there is also handwriting near the bottom
8 corner of the page. Is that your handwriting?

9 A. Yes, sir.

10 Q. And could you just describe what is that information
11 referring to?

12 A. Well, I'm not sure what I put for District 2. I know
13 that I did talk to or I requested a phone number, and
14 they gave me Officer Stanton, and they gave a number
15 for the Houston County Justice Center, and the phone
16 number is down there.

17 Q. Okay. And where it says "Houston County Justice
18 Center," would that also be the Hamilton County
19 Justice Center?

20 A. I'm not sure.

21 Q. Okay. And that phone number that's down there was
22 the number to the justice center, to your knowledge?

23 A. As far as I can remember.

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- 1 Q. Okay. Turning to Exhibit 3, previously identified.
2 From the notation at the upper corner of the page,
3 does it indicate that you sent this message
4 approximately ten minutes after the previous message?
5 In looking at the 3:09 on Exhibit 2, comparing that
6 to the 3:19 on Exhibit 3?
7 A. No, because as far as I know that is the time that --
8 just one moment. That appears to be the time that
9 they received it.
10 Q. Okay. Thank you. All right. And you indicate on
11 this you left a phone number for them to contact; is
12 that correct?
13 A. Yes, sir.
14 Q. Subsequent to this document, Exhibit 3, did you
15 receive a phone call from Cincinnati after leaving
16 your phone number there?
17 A. As far as I can remember, no.
18 Q. Thank you. Following the next exhibit, Exhibit 4,
19 could you identify that document, please?
20 A. That is the second response that I sent stating that
21 we were still -- we received their hit request, and
22 we were still checking on it.
23 Q. And upon sending this message or prior to sending

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1 this message, had you spoken by phone with anyone in
2 Cincinnati?

3 A. I don't remember.

4 Q. Thank you. Following Exhibit 5. Could you identify
5 that document, please?

6 A. Yes. It is our hit confirmation response. We are
7 saying that our warrant on Quanza Hawkins is active,
8 and it states that we are still trying to attempt to
9 get a fingerprint class on the subject.

10 Q. There's also information regarding a tattoo. Could
11 you read that part, please?

12 A. "Subject should have a tattoo of on upper right arm
13 of 'hard knocks of life.'".

14 Q. And the information that you -- I'm sorry. This was
15 information that you sent to Hamilton County,
16 correct; well, to Cincinnati, to Hamilton County, to
17 Ohio?

18 A. This is what we put on the teletype.

19 Q. All right. And where did you receive the information
20 to send to Cincinnati?

21 A. It came from our I-LEADS system.

22 Q. And did you receive that information by hand search,
23 by computer; how did you receive that information?

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1 A. Computer.

2 Q. All right. Prior to this message, had you attempted
3 or had you made contact with any member of the
4 Huntsville Police Department regarding this hit?

5 A. I don't remember.

6 Q. Certainly at some time between the first message
7 being received and the last message being received,
8 you were able to contact, you contacted someone with
9 the, excuse me, Huntsville Police Department
10 regarding this matter?

11 A. I don't remember.

12 Q. Okay. Do you recall contacting Sergeant Reynolds?

13 A. Yes, I do.

14 Q. Okay. And would that have been sometime during this
15 exchange at some point?

16 A. That was sometime during the teletypes, yes, sir.

17 Q. Thank you. The last line, it looks like, on the
18 message is that "we will TTY your department further
19 as soon as we can get a picture." Was that
20 information that you had received from Sergeant
21 Reynolds?

22 A. Yes, sir. I had discussed that with Sergeant
23 Reynolds that we didn't have fingerprints, and he

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1 said he possibly had a picture that he could fax, as
2 far as I can remember.

3 Q. Thank you. Ask you to turn to Exhibit 6, please.

4 A. (Witness complies.)

5 Q. I ask if you can identify this document for the
6 record?

7 A. It's a teletype that came from Ohio stating that the
8 subject had signed a waiver and gave a pickup date.

9 Q. Now, between the message on --

10 MR. HARMON: Excuse me. Mr. Harmon here.

11 what exhibit number was that one that said he had
12 signed a waiver?

13 MR. RUCKER: Number 6.

14 MR. HARMON: Thank you.

15 MR. RUCKER: Thank you.

16 Q. (BY MR. RUCKER:) Now, was it your understanding
17 between Exhibit Number 5 and Exhibit Number 6 that
18 there was no further communication by TTY with
19 Hamilton County or Cincinnati regarding this subject?

20 A. If you'll look at Exhibit 7, it appears to be out of
21 order.

22 Q. okay.

23 MR. HARMON: That's the reason for my

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2 MR. RUCKER: Yes.

3 THE WITNESS: And Number 8 and Number 9.

4 MR. RUCKER: That's correct. okay. So I'm
5 going to have to go back.

6 Q. (BY MR. RUCKER:) Okay. So Number 6 appears to be
7 out of order?

8 A. Yes, sir.

9 Q. All right. So going from Number 5, would the next in
10 sequence being Number 7?

11 A. Yes, sir, it would.

12 Q. Thank you. And Number 7, does that appear to be the
13 next message that you received from Cincinnati
14 regarding this matter?

15 A. Yes, sir.

16 Q. And if you can tell from the numbers, approximately
17 how long after the message at Number 5 was the
18 message for Number 7 received?

19 A. Appears to be about an hour, if I'm not mistaken.

20 Q. Is that based on the numbers 5:41 in Exhibit 5 and
21 the numbers 6:39 at the top of Exhibit 7?

22 A. Yes, sir.

23 Q. Thank you. And was it your understanding from

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1 Exhibit 7 that Cincinnati had confirmed the prints
2 from the FBI, the FBI had confirmed the print of the

3 individual that they had in custody? ef112103.txt

4 A. Yes, sir, that's what it states in the teletype.

5 MR. HARMON: Objection. This is Mr. Harmon
6 from Cincinnati. When we're asking if Cincinnati had
7 confirmed, are we talking about Cincinnati, Hamilton
8 County Sheriff's Department or are we talking about
9 the Cincinnati Police Department? We need to clarify
10 that question.

11 Q. (BY MR. RUCKER:) Who did you believe had confirmed
12 from the FBI, had confirmation from the FBI?

13 A. It states from Hamilton County SO.

14 Q. Okay. And you had previously been in contact with
15 Stanton?

16 MR. HARMON: Objection. Not in the testimony.

17 THE WITNESS: I'm not sure.

18 Q. (BY MR. RUCKER:) At some point during this exchange,
19 did you speak to Stanton?

20 A. I know I spoke to someone. I can't really say for
21 sure since it's been a long time.

22 Q. When we spoke prior to the deposition, do you recall
23 me asking that question, if you had had a chance to

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1 speak to anyone by telephone?

2 A. Yes.

3 Q. And do you recall who you said that you might have
4 spoken to?

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5 A. I know I wrote down the name Officer Stanton on
6 Exhibit Number 2.

7 Q. And from that note, from what you remember of that
8 night, do you recall that it was Officer Stanton that
9 you spoke to at some point during that evening?

10 A. I would assume that's who I talked to.

11 Q. Okay. And would that have been by telephone?

12 A. Yes, sir.

13 Q. Thank you. And you talked by teletype with someone
14 else or with someone?

15 A. From somebody, from Ohio.

16 Q. The person on the teletype never identified
17 themselves specifically; is that correct?

18 A. No. We don't talk to each other. We just send
19 teletypes.

20 Q. Okay. But there was at least a telephone
21 conversation that you had with someone in that area?

22 A. Yes, sir.

23 Q. And you believe that person to have been Stanton?

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1 MR. HARMON: Objection.

2 THE WITNESS: As far as I can remember.

3 Q. (BY MR. RUCKER:) Thank you. After the confirmation
4 came that the prints matched the subject in question,
5 what did you do?

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6 A. On Exhibit Number 8 I re-sent a teletype stating for
7 them not to release the subject, that we were still
8 working on verifying that that subject they had was
9 the subject we wanted.

10 Q. And that is Exhibit 8?

11 A. Yes, sir.

12 Q. And that's identified with the 6:46 in the upper left
13 corner?

14 A. Yes, sir.

15 Q. And you sent that approximately five minutes, five or
16 six minutes after the message indicating that there
17 had been confirmation by the FBI?

18 A. Yes, sir, approximately.

19 Q. Thank you. All right. Ask you to turn to Exhibit 9,
20 please?

21 A. (Witness complies.)

22 Q. And could you identify this document?

23 A. It's a message that I sent to Cincinnati PD and

□

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1 Hamilton County SO stating that Investigator Reynolds
2 would be faxing their department with a photo.

3 Q. And where did you receive the information that
4 Sergeant Reynolds would be faxing a photo?

5 A. I had spoke to him on the phone, and he said he would
6 attempt to get a photo and fax it to them.

7 Q. Thank you. Did you ever -- did you fax a photo from
Page 27

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8 your, from the records division?

9 A. No, sir.

10 Q. All right. I'm going to ask you to turn next to what
11 has been previously identified and discussed as
12 Exhibit 6. Could you identify that document, please?

13 A. It is a teletype that came from Hamilton County SO,
14 and that is when they said that they had advised that
15 the subject had signed a waiver and must be picked
16 up.

17 Q. And they gave the contact name of an individual to
18 speak with about the matter?

19 A. They gave a deputy's name, Jeff Carroll, warrants
20 division.

21 Q. Okay. In the body of the message, in the upper
22 corner, I'm going to ask you -- see the second,
23 second sentence. I guess that's a sentence?

□

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1 A. It says, "Please advise Lynette Darby at jail records
2 by phone."

3 Q. Okay. And were you actually working at the time that
4 this message came in, if you recall?

5 A. No, sir.

6 Q. And do you know if anyone ever contacted Lynette
7 Darby at jail records?

8 A. I do not.

9 Q. Thank you. I ask you to point your attention next to
10 Exhibit 10. Could you identify that document,
11 please?

12 A. It's a teletype that was sent at 9:19 from Huntsville
13 Police Department saying that Investigator Reynolds
14 would be in touch with your agency for extradition on
15 the subject.

16 Q. And did you receive that information from Rex
17 Reynolds that he would be getting in contact with
18 their agency?

19 A. I was not here at the time.

20 Q. So this message did not come from you?

21 A. No, sir.

22 Q. Thank you. And the last document in this sequence is
23 Exhibit 11. Could you identify that document,

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31

1 please, the nature of it?

2 A. It's a document where first shift at 8:44 cleared
3 subject Quintin Haskins (sic) from NCIC.

4 Q. How is a clearance made from NCIC? What does that
5 mean to clear somebody?

6 A. That means whatever warrant-type information we had
7 in NCIC, that they would have cleared it out.

8 Q. And in order to be able to clear information from
9 NCIC, does the person have to have access to or does
10 the person have to have certification to be able to

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11 input information into NCIC?

12 A. Not necessarily.

13 Q. Okay. You say not necessarily. How can information
14 be sent to NCIC to clear warrants?

15 A. Well, they'll clear it from NCIC, but if they, if
16 they receive a hit and they have all the messages
17 done and it shows that there is extradition being
18 talked about, they will go ahead and clear that
19 person through NCIC.

20 Q. But does anyone -- well, I'll ask this: Does anyone
21 with the Huntsville Police Department have the
22 ability to place information into the NCIC regarding
23 individuals that are wanted by the Huntsville Police

□

32

1 Department?

2 A. The clerks do.

3 Q. And do they have the ability to type in the person's
4 identifying information with the NCIC?

5 A. They do if it's associated with the warrants that we
6 have with our department.

7 Q. Now, the documents that have been identified from
8 Exhibits 1 through 11, are these true and accurate
9 representations of the information that was passed on
10 the screen on July 31st and August 1st of 2001?

11 A. Yes, sir.

ef112103.txt
12 Q. And are these actually copies of what was printed out
13 from the NCIC printouts that were received on July
14 31st and August 1st, 2001?

15 A. Yes, sir.

16 Q. There was mention on Exhibit 7 of a confirmation by
17 the FBI. Were you aware -- did you ever see any
18 confirmation from the FBI regarding this issue or
19 this matter?

20 A. We received a fax from -- just a moment. We received
21 a fax from Hamilton County SO and they, or they faxed
22 us a copy of what the FBI had sent them.

23 Q. Let me stop you there. I'm going to ask you to point

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33

1 your attention to Exhibit, I guess it's going to be
2 12. I'm sorry, Exhibit 14.

3 MR. RUCKER: And for the record, in case you
4 all don't have it, Exhibit 14 -- well, you have it.
5 Exhibit 14 is a fax from Hamilton County. It starts
6 at the top "Simon Leis, Jr., Sheriff, Hamilton
7 County, Ohio." It has two deputy --

8 MR. HARMON: Badges.

9 MR. RUCKER: -- badges on there, correct.

10 Q. (BY MR. RUCKER:) Now, could you identify the
11 document at Exhibit 14, please?

12 A. It is a cover sheet that was sent from Hamilton
13 County Sheriff's Office.

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14 Q. And as the supervisor of the records division, did
15 you receive this document or did you review it prior
16 to -- well, did you review this document as
17 supervisor?

18 A. I don't remember.

19 Q. At some point, this document went into your custody;
20 is that correct?

21 A. At some point this was faxed to the police
22 department.

23 Q. All right. And the date on the cover sheet indicates

□

34

1 July 30th of 2001. Is it possible this document was
2 faxed on July 30th, 2001?

3 A. It gives that date. I do not know.

4 Q. Okay. But in fact, the information that's contained
5 within the fax wasn't received apparently by Hamilton
6 County until at least July 31st, 2001?

7 A. It gives the date on the fax that was sent to
8 Hamilton County from the FBI July 31st, 2001.

9 Q. And the initial contact made with Huntsville by
10 Hamilton County and Cincinnati was on July 31st,
11 2001?

12 A. Yes, sir.

13 Q. So the July 30th date on there, that appears to be an
14 incorrect date; is that fair?

ef112103.txt

15 A. That's fair.

16 Q. And there is a CC of Esther. Is that the spelling of
17 your name?

18 A. Yes, sir.

19 Q. And was -- do you recall if this was given to you
20 sometime in late July or early August?

21 A. No, I don't.

22 Q. Thank you. Turning to the second page of it, which
23 is actually Exhibit 15. And this document has

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35

1 previously been identified in other depositions. It
2 is a FBI U. S. Department of Justice hit and
3 confirmation dated July 31st, 2001. Have you seen a
4 document of that type previously?

5 A. Are you --

6 Q. Prior to July 31st, 2001, had you seen a document of
7 this type from the FBI?

8 A. Not that I recall.

9 Q. What is this document to you? When you received it,
10 what does it say to you?

11 A. It states that the prints that they received from
12 Hamilton County Sheriff's Office that he submitted
13 was prints that go to Quintin Hawkins, or identical,
14 excuse me.

15 Q. Does that document mention anything about a Quentin
16 Haskins?

ef112103.txt

17 A. No, sir, the name is not on there.
18 Q. Does the document mention anything about a Quanza
19 Hawkins?
20 A. No, sir, the name is not on there.
21 Q. Okay. To your knowledge, did Huntsville Police
22 Department have any warrants for a Quintin Dante
23 Hawkins in July of 2001?

□

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1 A. On who now?
2 Q. Quintin Dante Hawkins?
3 MR. HARMON: Objection. This is Mr. Harmon
4 speaking. You may go ahead.
5 THE WITNESS: I do not know.
6 Q. (BY MR. RUCKER:) Were you aware of any warrants or
7 any reason that the Huntsville Police Department was
8 looking for a Quintin Dante Hawkins in July of 2001?
9 A. I do not know.
10 Q. Okay. I'm going to ask you to turn next to Exhibit
11 16.
12 A. (Witness complies.)
13 Q. And was Exhibit 16 part of the fax that was received
14 that was first identified with the cover sheet at
15 Exhibit 14?
16 A. It appears to be.
17 Q. What is the document Exhibit 16, please?

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18 A. It's fingerprints on Quintin Hawkins.

19 Q. Once again, did you know an individual by the name of
20 Quintin Hawkins on July 31st, 2001?

21 A. As far as I know, no.

22 Q. Were you aware that the Huntsville Police Department
23 was looking for an individual by the name of Quentin

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1 Haskins?

2 A. I was not aware of it until we received the teletype.

3 Q. Okay. I'm going to ask you next to turn your
4 attention to Exhibit 17. Let me ask you once again
5 to identify that document, if you can?

6 A. It's another set of fingerprints on Quintin Dante
7 Hawkins.

8 Q. Is there anything mentioned in this document about a
9 Quentin Haskins?

10 A. There is no name on it that says Quentin Haskins.

11 Q. Is there anything on this document that indicates a
12 Quanza Hawkins?

13 A. No, sir, that name is not on this document.

14 Q. Did you, in dealing with the information regarding
15 Haskins, did you come across any physical description
16 of the subject that was being sought by the
17 Huntsville Police Department?

18 A. There might have been one on the warrant itself.

19 Q. And do you -- do you recall discussing, either by

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20 teletype or by telephone, the physical
21 characteristics of the individual by the name of
22 Quentin Haskins?

23 A. As far as I can remember, no.

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1 Q. Thank you. When you were communicating with Stanton
2 and/or whoever you communicated with with Hamilton
3 County --

4 MR. HARMON: Objection.

5 MR. RUCKER: Basis?

6 MR. HARMON: It hasn't been established that
7 she's communicated with them. She said no.

8 Q. (BY MR. RUCKER:) Thank you. When you communicated
9 with whoever you communicated with in the early
10 morning hours of July 31st and you advised them of
11 certain characteristics that you were looking for,
12 was there ever a response to your inquiries?

13 A. As far as I can remember, when I talked to, over the
14 phone, to Hamilton County, I was just telling them
15 that we were still trying to verify that their
16 subject they had was the one we wanted, and that I
17 had already spoke to the investigator and we would be
18 trying to fax a picture.

19 Q. When you advised them that the person had tattoos
20 that said "hard knock life," do you recall typing

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21 that --

22 A. Through the teletype.

23 Q. Yes. Did they ever respond to that in any way?

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1 A. Not on teletype, no, sir.

2 Q. Did they ever respond to that by telephone?

3 A. As far as I remember, no.

4 Q. When you advised whoever you were speaking with that
5 photographs were on the way, did they ever respond in
6 any way that they were waiting on the photographs or
7 that they were looking for them?

8 MR. LAZARUS: Note an objection to the
9 characterization of her testimony as far as
10 photographs on the way as opposed to what she said is
11 we are going to try to send photographs.

12 MR. PITTS: You can answer.

13 THE WITNESS: Not that I can remember.

14 Q. (BY MR. RUCKER:) When you typed in the teletype that
15 fingerprints were being sought -- let me find the
16 specific teletype. At Exhibit 5 when you stated "We
17 are attempting to get you a fingerprint class. Have
18 you taken subject's fingerprints? If so, please
19 advise what the class is." Was there ever any
20 response to that teletype message?

21 A. The only response that we received was on Exhibit
22 Number 7 saying that the FBI had confirmed the prints

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23 of the individual.

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1 Q. Okay. But was there ever any response to your
2 request regarding whether they had taken the
3 fingerprints of the individual and to send them to
4 Alabama?

5 A. Not through teletype, as far as I can see.

6 Q. Was there ever a response to any of the inquiries
7 that you made by teletype or telephone regarding the
8 identification of the person that was being held in
9 Cincinnati at the time?

10 A. Okay. One more time, please.

11 MR. RUCKER: I'm not sure. Could you read
12 that back, please?

13 (Reporter read requested testimony.)

14 THE WITNESS: Okay. I don't understand. Are
15 you saying -- I don't understand what you mean. I'm
16 sorry.

17 Q. (BY MR. RUCKER:) Okay. They didn't respond to the
18 inquiry about the fingerprints, correct?

19 A. Okay. They did fax a copy of the fingerprints. As
20 far as through teletype, no.

21 Q. Okay. They didn't respond when you advised that
22 there was a tattoo on the particular individual you
23 were searching for?

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1 A. Not through teletype.

2 Q. They didn't respond -- when you advised that Rex
3 Reynolds was sending a photograph --

4 MR. LAZARUS: I'm going to object again. I
5 don't know if I got cut off last time, but I don't
6 believe the testimony suggests that Rex Reynolds was
7 sending a photograph. I believe the testimony has
8 been they were going to try to get a photograph.

9 MR. RUCKER: All right. Could you turn to
10 Exhibit 9, Steve, please.

11 MR. LAZARUS: Nine?

12 MR. RUCKER: Yes.

13 MR. LAZARUS: Go ahead.

14 Q. (BY MR. RUCKER:) Do you have Exhibit 9 in front of
15 you, please?

16 A. Yes, I do.

17 Q. Does that indicate there that you typed the "Please
18 be advised that Investigator Rex Reynolds is faxing
19 your department a photo of Quintin Hawkins"?

20 A. Yes.

21 Q. All right. Did anyone in Cincinnati ever respond to
22 that message that you sent about the fact the
23 photograph was being faxed?

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1 A. No, sir.

2 Q. Did anyone in Cincinnati ever respond to the message
3 that he will be phoning your department concerning
4 the subject?

5 A. No, sir.

6 MR. HARMON: Objection. We need to clarify.
7 Are you saying did anybody ever respond by teletype?
8 Did anybody respond by telephone call? Did anybody
9 ever respond by fax, by any other method? This is
10 Mr. Harmon objecting.

11 MR. RUCKER: Okay. I asked if there was ever
12 any response. If there was no response, it couldn't
13 have been by any means. You can ask her, I guess, on
14 follow-up questions if you like.

15 Q. (BY MR. RUCKER:) How did this communication -- well
16 strike that. After the communication, did you
17 subsequently speak with who's now Lieutenant Reynolds
18 regarding the communication that you had with persons
19 in Cincinnati the night before? That's a long
20 question.

21 A. Okay. Had I talked to him?

22 Q. After the message was ended, after you were off your
23 shift?

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1 A. No, sir.

2 Q. Okay. Were you asked at some point to draft a memo
3 about your conversation with Officer Stanton and any
4 Hamilton County officials after the conversation
5 ended?

6 A. No, sir.

7 MR. LAZARUS: Objection to the question.

8 Assumes facts not in evidence.

9 Q. (BY MR. RUCKER:) Okay. I'm going to point your
10 attention to an exhibit that's been previously
11 marked, if I can find it. It's been marked as
12 Exhibit 18. I know it's somewhere around here.
13 Okay. It's Exhibit 18.

14 MR. HARMON: Do you all have that in front of
15 you?

16 MR. HARMON: No.

17 MR. RUCKER: Okay. I see what I did wrong. I
18 faxed you all the documents that she -- well, I
19 represent to you that Exhibit 18 is a memo from
20 Esther Funk dated, excuse me, 8/3/2001. It appears
21 to be a computer printout. Begins "On 7/31/2001 I
22 received a hit request." That document has been
23 previously provided to the parties in discovery. I

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1 don't have that -- I thought I made extra copies of
2 it. Apparently I made it as an exhibit and didn't
3 make copies of it or fax it to you. But that is
4 marked as Exhibit 18.

5 Q. (BY MR. RUCKER:) If you could take a moment to read
6 through that document.

7 MR. HARMON: We're looking for it right now to
8 see if we have it. We ask that you wait until we
9 find it. Please bear with me.

10 MR. RUCKER: Sure.

11 MR. PITTS: It's titled "Supplemental Report"
12 at the top.

13 MR. HARMON: It's like a teletype?

14 MR. RUCKER: No. To help out on this, it has
15 Huntsville Police Department -- the document I gave
16 to you probably said or probably had a fax date and
17 number on there of September 19th, 2001, 1411, City
18 Attorney Office. It's page 11 of 23.

19 MR. HARMON: I see some stuff I inherited.
20 Would it have a Bates number on it?

21 MR. RUCKER: It should have. It was one of
22 the documents I provided very early.

23 MR. HARMON: I see some stuff that has Bates

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1 numbers on it. The first one is that memo signed by
2 somebody named Dick, that handwritten note. Maybe
3 it's in there.

4 MR. RUCKER: It probably is.

5 MR. HARMON: That looks like stuff that came
6 from -- I'm sorry, guys.

7 MR. RUCKER: It would be somewhere in the
8 neighborhood of the photographs.

9 MR. HARMON: It vaguely sounds familiar to me.

10 MR. RUCKER: About 15 lines, single-spaced.

11 MR. HARMON: Okay.

12 MR. RUCKER: Got it?

13 MR. HARMON: I've got it. By the way, it's
14 Bates Number H00043.

15 MR. RUCKER: Thank you.

16 Q. (BY MR. RUCKER:) Referring your attention to Exhibit
17 18; do you recognize this document?

18 A. Yes, it's a supplement report that I made concerning
19 the teletypes.

20 Q. And a supplement, when you say supplement report,
21 what was it supplementing?

22 A. It was supplementing the case where the warrant,
23 where the warrant was actually from.

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2 A. Or stems from.

3 Q. All right. So what process did you go through to
4 make this supplement? What's the purpose of the
5 supplemental warrant, supplemental information,
6 excuse me?

7 A. The purpose of a supplement is to actually tell, as
8 far as you can remember, what was said during the
9 teletypes that were sent.

10 Q. Okay. And so the information in this document -- if
11 you could -- I understand the document speaks for
12 itself, but could you read into the document, could
13 you read into the record what the document says,
14 please?

15 A. "On 7/31/2001 I received a hit request from
16 Cincinnati, Ohio PD" --

17 Q. Hold on one second. She's taking everything down. I
18 know it's being videotaped, but if you could go at a
19 pace that she can record this, please.

20 A. "On our entry for wanted person, Quentin Haskins,
21 Cincinnati PD stated that they believed that they had
22 this subject but under an AKA that had been entered
23 into NCIC as Quintin Hawkins, date of birth, 8/18 of

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1 '80. I informed Ohio that we were trying to confirm
2 if they had the same subject we had entered into

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3 NCIC. I also advised Cincinnati P. D. that we did
4 hold active warrants on Quentin Haskins, and that
5 this department would extradite. Also I advised them
6 that Investigator Reynolds would be contacting their
7 agency to get picture and to make a positive ID on
8 their subject. I received a tele --" correction, "I
9 received a TTY from Ohio stating that the FBI had
10 confirmed that this subject was the same subject we
11 had entered into NCIC. On 8/1/2001, 08:30, Hamilton
12 County SO sent a teletype to this agency stating that
13 that subject had signed a waiver and needed to be
14 picked up by this department by or on or before
15 8/14/2001. A teletype was sent back advising that
16 Investigator Rex Reynolds would be in touch with
17 their department for extradition information on
18 Quentin Haskins. Subject was cleared NCIC."

19 Q. Thank you. And is this document and the information
20 that you -- was this typed into the computer?

21 A. Yes, sir.

22 Q. And was the information that you typed into the
23 computer a fair and accurate representation of what

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1 you recall had occurred regarding your communication
2 about Quentin Haskins?

3 A. Right.

4 Q. Okay. And is it true, there was more things that
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5 happened during the course of July 31st, 2001
6 regarding Quentin Haskins; is that true?

7 A. I don't remember, but it probably did.

8 Q. This was a summary of what you recall?

9 A. Yes, sir.

10 Q. And you indicate a supplemental to the file. Did you
11 give this document to anyone else?

12 A. No, sir, you just type it into the I-LEADS case.

13 Q. Based on your knowledge, personal knowledge of the
14 facts and your knowledge of procedures with regard to
15 information in the computer, who do you believe is
16 responsible, who is the source for the incarceration
17 and transportation of Quintin Hawkins to Alabama on
18 the murder warrant for Quentin Haskins?

19 MR. HARMON: Objection. This is Mr. Harmon
20 objecting.

21 THE WITNESS: I do not know.

22 Q. (BY MR. RUCKER:) In your prior experience, had you
23 ever encountered an incident where a police agency

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1 confirmed and sent an individual who did not match
2 the physical characteristics of the person who was
3 identified on a warrant or on another information?

4 MR. HARMON: Objection. Mr. Harmon here. You
5 may answer.

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6 THE WITNESS: Not that I can recall.

7 Q. (BY MR. RUCKER:) Did you discuss this matter with
8 any person in the Huntsville Police Department prior
9 to yesterday?

10 A. I talked with the city attorney.

11 Q. Okay. Did you speak to any other clerks, any other
12 police officers about this matter?

13 A. No, sir.

14 Q. At sometime after August 3rd, 2001, did you discover
15 that the person that was sent from Cincinnati was not
16 the person who was identified in the warrant in
17 Huntsville?

18 A. No, sir.

19 Q. Do you know that to this day, that the person that
20 was sent from Cincinnati was not the person
21 identified on the warrant?

22 A. I have heard things.

23 Q. When was it that you may have heard that, if you

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50

1 recall?

2 A. I don't know.

3 Q. Would that have been sometime a couple of years ago?

4 A. I don't know. I do not remember.

5 Q. All right. That's all the questions I have
6 specifically on this, on these issues, but I do have
7 a couple of housecleaning items I need to put on the

ef112103.txt

8 record. Did you review any documents to prepare for
9 this deposition?

10 A. I reviewed the teletypes.

11 Q. Okay. And those are the documents that we've
12 discussed here this afternoon?

13 A. Yes, sir.

14 Q. And did you meet with anyone to discuss your
15 testimony, anyone other than your attorney?

16 A. No, sir.

17 Q. Are you familiar with a person by the name of Michael
18 Harmon?

19 A. No, sir.

20 Q. Steve Lazarus?

21 A. No, sir.

22 Q. To your knowledge, have you ever spoken by phone with
23 either of those individuals?

□

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1 A. No, sir.

2 Q. How did you receive notice of this deposition?

3 A. I received a subpoena.

4 Q. How was it given to you? How did you receive it?

5 A. When I came in to work Tuesday night, it was on my
6 desk.

7 Q. You reported to work on Tuesday night. Would that
8 have been November the 18th?

9 A. If that was Tuesday night.
ef112103.txt

10 Q. Okay. Were you handed the subpoena by a person known
11 as Steve Grimes?

12 A. The subpoena was laying on my desk when I came in
13 third shift.

14 Q. And so, in fact, you were not present on the morning
15 hours of November 18th, 2003, for the subpoena to
16 have been personally served on you; is that correct?

17 A. No, sir.

18 MR. RUCKER: That's all the questions I have.

19

20 EXAMINATION BY MR. HARMON:

21 Q. Ms. Funk, my name is Mike Harmon. I'm an attorney for
22 the City of Cincinnati, and I have a few questions I
23 wanted to ask you. Before we get started, do you

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1 need to take a break? Would you want to get a drink
2 of water or do you need to break for any reason or
3 should we go ahead?

4 A. No, I'm fine.

5 MR. HARMON: Okay. Thank you. Anybody else
6 need a break?

7 MR. RUCKER: No.

8 MR. PITTS: We're good.

9 Q. (BY MR. HARMON:) Ma'am, would you please take a look
10 at Exhibit Number 2?

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11 A. (Witness complies.) Okay.

12 Q. And I just want to clarify a couple of answers that
13 you gave when Mr. Rucker was asking you questions.
14 Calling your attention to your own handwriting in the
15 lower half of Exhibit Number 2 where the words
16 "district" or "dist 2" underlined are written, and
17 then it says "P470," officer or "Off Stanton." Now,
18 I believe you indicated that you wrote those words in
19 your handwriting; is that correct?

20 A. Yes, sir.

21 Q. And I believe that you indicated you wrote those
22 words in your handwriting because somebody told you
23 that's who you needed to talk to in Cincinnati?

□

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1 A. I don't remember. I know that that is in my
2 handwriting.

3 Q. But you really don't know if you wrote those words
4 because you were just noting who you were going to
5 try to reach later or you wrote them because you
6 actually talked to somebody that you thought was that
7 person? Do you understand my question?

8 A. I don't remember.

9 Q. But you don't really know whether you actually talked
10 with officer Stanton?

11 A. I can't recall who I talked to. I know I did talk to

13 Q. You don't know whether it was a supervisory sergeant
14 over Officer Stanton or not, right?

15 A. I do not remember.

16 Q. Do you even know if you were talking to a Cincinnati
17 police officer or member of the sheriff's department?

18 A. I don't remember.

19 Q. Now, ma'am, I notice that on a lot of these exhibits,
20 for example, Exhibit 1, Exhibit 2, they have, up at
21 the top of those exhibits, there are two times of
22 day. And I know that you talked, and in your answers
23 to questions from Mr. Rucker you mentioned that you

1

1 thought one of those numbers would be the number that
2 the message was actually sent from, the source of the
3 message, and the other number would be the time that
4 it was actually received in your office in
5 Huntsville; is that correct?

6 A. Correct. I believe at the very top on Exhibit 2, the
7 very top number or -- correction, time, 05:08 is the
8 time that we received it.

9 Q. Okay. Now, calling your attention to your, let's say
10 Exhibit Number 4, then. Now I notice at the top of
11 that exhibit there's only one time. I see 5:19 a.m.
12 Do you see that?

13 A. Yes, sir.

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14 Q. Do you know when that -- is that the time that was
15 sent from your office?

16 A. As far as I can tell from this teletype, yes, sir.

17 Q. So you don't know when it was received in Cincinnati,
18 Ohio?

19 A. No, sir.

20 Q. And the same -- let's go look at Exhibit Number 3.
21 And up at the top it's got 3:19 a.m. So I take it
22 that would be a record of when you sent something
23 out, but you don't know when it was received in Ohio?

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1 A. I believe at the time that we sent it out was the
2 very top time, which was cut off.

3 Q. So that is missing. I see. That's missing. Okay.
4 Do you know if there is a better copy of that exhibit
5 available that might show the top?

6 A. No, sir, I don't know. I'd have to go back to the
7 originals.

8 Q. Would you be so kind -- if you get a chance to check
9 and see if there is an original that has the top,
10 would you be so kind as to refer it to your counsel
11 who's there today and ask him if he would provide it
12 to me?

13 A. Yes, sir.

14 Q. Thank you. And provide it, of course, to Mr. Rucker

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15 as well. Now, I know that Mr. Rucker was asking you
16 whether the Cincinnati Police ever responded, or
17 Cincinnati, let's say, ever responded to your
18 departmental request for fingerprints. And is it
19 correct to say that Exhibit 16 and 17 is a response
20 to your department's request for fingerprints?

21 MR. RUCKER: Objection. Go ahead and answer.

22 THE WITNESS: On Exhibit 16 and on Exhibit 17
23 we were faxed with fingerprints.

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1 Q. (BY MR. HARMON:) They were faxed to you from the
2 Hamilton County Sheriff's Office or let's say HCSO?

3 A. It appears they were faxed from Hamilton County so.

4 Q. Okay. Now, with regard to exhibit, I'm actually

5 going to say Exhibits 15, 16, 17, that appears to be
6 that fax that we think is misdated. That's the
7 four-page fax that was sent CC to you, Esther, that
8 is dated July 30th, but we think it really was
9 misdated. At the very top of that exhibit -- you
10 know how faxes are. Usually there is a legend at the
11 top or one of the corner ends of the fax there is a
12 legend that tells you the time of day and the day and
13 the year and so forth that it was faxed to your
14 office. Does your copy show that?

15 A. No, sir, my copy does not show that at the top.

16 Q. Mine does not either. Okay. So we really don't know
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17 when that was received, but you presume it was
18 received July 31st sometime?

19 A. Either July 30th or -- I'm not sure.

20 Q. Okay. Once again, if there is an opportunity to
21 double check, if you've got original records
22 somewhere in your office, if you could check and see
23 if those original records contain that additional

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1 print that's not on the copies we have, I'd really
2 appreciate it, and give them to Mr. Pitts and he can
3 provide them to the counsel in this case?

4 A. Yes, sir.

5 Q. Thank you. Now, did you notice -- if you'll look at
6 Exhibit 16 and Exhibit 17, those are copies of
7 prints, right?

8 A. Yes, sir.

9 Q. And actually they're not, weren't taken on the same
10 day, were they?

11 A. One was taken on 7/31/2001. That was Exhibit 16.

12 Q. Yes.

13 A. Exhibit 17, the prints were taken on 6/27/96.

14 Q. So it appears the city of Cincinnati had Mr. Quintin
15 Hawkins in their custody on two separate occasions?

16 MR. RUCKER: Objection.

17 Q. (BY MR. HARMON:) And that then when he was taken to

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18 the sheriff's office in the City of Cincinnati on
19 those dates, I mean, you'll notice Exhibit 17 says,
20 in the upper right-hand corner, or upper left-hand
21 corner it says "Ham Co." Hamilton County.

22 MR. RUCKER: Objection.

23 Q. (BY MR. HARMON:) Exhibit 16 says, at the top it's

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1 got "contributor," and it's got "sheriff's office,
2 Cincinnati, Ohio." But you'll notice that on two
3 separate dates Mr. Hawkins's prints were taken in
4 Ohio: is that correct?

5 MR. RUCKER: Objection.

6 Q. (BY MR. HARMON:) You may answer.

7 A. It appears from the dates that these were taken on
8 two separate dates.

9 Q. And the Exhibit 16, if it's dated July 31st, '01,
10 then it's likely it really couldn't have been faxed
11 to Huntsville to your office on July 30th of that
12 year?

13 MR. RUCKER: Objection. Go ahead and answer
14 if you can.

15 THE WITNESS: I would assume

16 Q. (BY MR. HARMON:) Now, do you know if your department
17 ever took these two copies of prints that were faxed
18 down from Cincinnati, did you ever take them or do
19 you know if anybody ever compared them with the

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20 prints that you had of your wanted man down in
21 Huntsville?

22 A. As far as I was aware, we did not have fingerprints
23 on our subject.

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1 Q. Okay. Now, calling your attention to Exhibit
2 Number 2.

3 A. All right.

4 Q. And that's the request from Ohio, and that says in
5 there, is this correct, "We request you send a copy
6 of fingerprints." You don't even know if you guys
7 had a set of fingerprints at that time for your
8 wanted person; is that correct?

9 A. At the time we received this message, no.

10 Q. So as far as you know, you were never able to respond
11 to that request from Ohio?

12 A. I responded to that request by telling them that we
13 were going to confirm their teletype within one hour.

14 Q. And what happened within one hour; do you know?

15 A. On Exhibit Number 5, I sent a teletype telling them
16 that we were attempting to get a copy of the
17 fingerprint class for the subject and also stated in
18 there that subject had a tattoo on upper right arm of
19 "hard knocks of life."

20 Q. Okay. Now, your request in Number 5 was a request

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21 for Ohio to send you a fingerprint request, correct?

22 A. Yes, sir, I asked had they taken fingerprints.

23 Q. And then would Exhibit 16 and 17 be a response to

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1 that request?

2 A. We did receive a fax with fingerprints.

3 Q. Okay. Now, do you know what happened to that fax

4 with the fingerprints? Do you know who it was given

5 to? Was it received at your office?

6 A. I don't remember.

7 Q. Now, do you know for a fact whether or not your

8 department, anybody in your department was ever able

9 to provide Ohio with a legible photograph of your

10 wanted person?

11 A. I have no knowledge.

12 MR. HARMON: I have no further questions at

13 this time. I thank you very much.

14

15 EXAMINATION BY MR. LAZARUS:

16 Q. Yes, this is Steve Lazarus. I just had a couple of

17 things. I don't know if you would understand or help

18 explain this. On Exhibit 15, and is that the one

19 that's got the seal it on it from the FBI there?

20 A. Yes, sir.

21 Q. I'm sorry. Do you see that?

22 A. Yes, sir.

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23 Q. Down toward the bottom in capital letters it's got

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1 "Wanted, check NCIC." Do you see that?

2 A. Yes, sir.

3 Q. What does that mean?

4 MR. RUCKER: Objection. Go ahead.

5 THE WITNESS: I do not know.

6 Q. (BY MR. LAZARUS:) Okay. What it is, I think you
7 talked earlier what the NCIC was. Do you know what
8 that is?

9 A. The NCIC is a nationwide computer that all agencies
10 use to teletype each other for information from the
11 states.

12 Q. Okay. And on Exhibit Number 10 -- tell me when you
13 get to that.

14 A. All right.

15 Q. Indicates there that the second sentence says, "He is
16 cleared through NCIC, thanks."

17 A. Yes.

18 Q. Do you know what that means?

19 A. I assume that that operator meant that she cleared
20 that subject's name out of NCIC.

21 MR. LAZARUS: Okay. That's all I have. Thank
22 you.

23 MR. HARMON: I have one more, and I'm going to

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1 ask your indulgence, Mr. Rucker, on this one. Are
2 you there?

3 MR. RUCKER: Yes.

4 MR. HARMON: If we go to what I think is
5 Exhibit 15, and I'm actually going to ask not so much
6 a question of the witness right now. It's for all
7 the counsel and all the parties here, because we're
8 trying to clarify the exact time frame in which the
9 Hamilton County Sheriff sent that four-page fax CC to
10 Esther. And I just noticed at the very top of our
11 copy that you sent us of Number 15, in the far upper
12 right you can barely make it out, but I see t-u-e,
13 Tuesday, then I see 7:31, kind of broken up, and then
14 I see something that says 5:32. You guys see that?

15 MR. RUCKER: Mike, your eyes are much better
16 than mine, and I'm not happy about that. I see
17 something.

18 MR. HARMON: Well, I have bifocals. It's not
19 my eyes. I thought we could all agree that we, you
20 know, we could stipulate that this fax came from the
21 Hamilton County Sheriff to Huntsville on Tuesday,
22 July 31st, at 5:32 a.m. in the year 2001. I'll just
23 leave it at that. That's not so much a question,

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1 really, so I'm done. Thank you.

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3 FURTHER EXAMINATION BY MR. RUCKER:

4 Q. I had about one or two follow-up questions.

5 Mr. Harmon asked you about whether these fingerprints
6 that were faxed were a follow-up to your request for
7 them to send the fingerprints or asking whether the
8 fingerprints had been taken. Is it fair to say,
9 based on the documents that were received, that these
10 fingerprints came after there had already been
11 confirmation from the FBI that the person in custody
12 in Cincinnati was Quintin Dante Hawkins?

13 A. I'm not sure.

14 Q. Okay.

15 A. I'm not sure if the faxes came all at the same time
16 or not.

17 Q. Do you recall if there were any phone calls coming in
18 to Huntsville on that night or was it the incoming
19 communication by teletype?

20 A. I don't remember any phone calls coming in.

21 Q. Do you recall if there was any problems with the
22 phones that night?

23 A. I don't remember.

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1 Q. Do you recall if you all were short-staffed or
2 something?

3 A. I do not remember.

4 Q. Was there anything unusual about the hours that you
5 all were operating that particular night?

6 A. I do not remember.

7 Q. But there was nothing unusual about the night that
8 causes you to recall that for some reason nobody was
9 there to receive phone calls?

10 A. Oh, no, I'm sure there's people there all the time to
11 receive phone calls.

12 Q. And the phone numbers that you provided on these
13 teletypes, to the best of your knowledge and what
14 they look like today, were those the accurate phone
15 numbers that would have made it able to reach
16 somebody in the records division where you were --

17 A. Yes, sir.

18 Q. -- on that particular night?

19 MR. HARMON: Objection. You may answer.

20 THE WITNESS: Yes, sir.

21 Q. (BY MR. RUCKER:) And so if someone states that they
22 called that number several times over several hours
23 and were unable to reach somebody, you wouldn't know

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1 how that would be; is that correct?

2 A. No, I would not know how that would be.

3 Q. Because somebody was there to receive phone calls,
4 correct?

5 A. Yes, sir.

6 MR. RUCKER: No further questions.

7 MR. PITTS: No questions from me either.

8 MR. HARMON: No further questions from the
9 City of Cincinnati.

10 MR. GRIFFIN: This is the end of this
11 deposition, 2:45 p.m.

12 FURTHER THE DEONENT SAITH NOT.

13 (EXHIBITS ATTACHED AND ENCLOSED.)

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1 C E R T I F I C A T E

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3 STATE OF ALABAMA

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5 MADISON COUNTY

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7 I hereby certify that the above and foregoing
8 deposition was taken down by me in stenotype and the
9 questions and answers thereto were reduced to writing
10 under my supervision, and that the foregoing
11 represents a true and correct transcript of the
12 testimony given by said witness on said occasion.

13 I further certify that I am neither of
14 counsel nor of kin to the parties to the action, nor
15 am I in any way interested in the result of said
16 cause.

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21 MELANIE REAGAN STRANGE
COURT REPORTER

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